

Remarks

This paper is filed in response to the Office Action mailed October 16, 2007. By this paper, claims 38-112 have been cancelled. Only claims 1-37, each of which has been allowed, remain pending in the application.

Election/Restriction

Applicants continue to respectfully disagree with the Examiner's position on the restriction (election) requirement. However, in order to avoid further delay to issuance of the application, claims 38-112 have been cancelled herein without prejudice to their reintroduction in a subsequent-filed application or amendment.

Oath/Declaration

In response to the Oath/Declaration objection, Applicants note the USPTO's recent waiver of the express language requirements for declarations submitted prior to June 8, 2008. Given that the declaration for this application was submitted prior to this date, Applicants respectfully request that this objection be withdrawn.

Examiner Interview Summary

The Applicants wish to express sincere appreciation for the telephone interview granted by Examiner Swiger and conducted on January 9, 2008. During the interview, the Examiner indicated that he would reconsider the NPL directed to the slides from the "Total Knee Arthroplasty Experience" presentation upon receipt of an electronic copy of the slides. Accordingly, Applicants have submitted, via e-mail,

a copy of the presentation. This e-mail was sent on the same day as the filing of this paper. Applicants also acknowledge with appreciation the Examiner's indication that prosecution would be temporarily reopened to allow for consideration of this reference.

Conclusion

In view of the foregoing, a Notice of Allowance is respectfully requested. Should any further issues remain that would preclude the prompt issuance of a Notice of Allowance, the Examiner is requested to contact the undersigned.

DATED this 19th day of February, 2008.

Respectfully submitted,

Ortho Development Corporation

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